

# **REMARKS**

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

## **Summary of the Office Action**

Claim 7 stands rejected under 35 U.S.C. §112, first paragraph.

Claims 1, 8, 9 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* (U.S. Patent No. 5,216,324) in view of *Shibata et al.* (U.S. Patent No. 6,153,973).

Claims 2-4 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* and *Nakatani et al.* (U.S. Patent No. 6,008,576).

Claims 5, 6 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* and *Yanagisawa et al.* (U.S. Patent No. 6,259,198).

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* and *Vollkommer et al.* (U.S. Patent No. 6,222,317).

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* and *Nakamoto et al.* (U.S. Patent No. 6,281,621).

Claims 12-14 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

## **Summary of the Response to the Office Action**

Applicant has canceled claim 7 without prejudice or disclaimer by this amendment.

Claims 1 and 2 have been amended. Accordingly, claims 1-6 and 8-20 are currently pending, with claims 17-20 being directed to non-elected inventions.

## **Priority**

Applicant notes that on the Office Action Summary, PTO-326 Form, although none of

Item 13(a)(1)-(3) boxes is checked, Item 13 box is checked. Thus, Applicant assumes that all certified copies of the priority documents have been received by the U.S. Patent and Trademark Office. If Applicant's assumption is inaccurate, a clarification is respectfully requested with the next communication.

**The Disposition of the Claims**

Applicant appreciates the Examiner's indication that claims 12-14 would be allowable if rewritten in independent form as noted in paragraph 10 of the Office Action. While Applicant agrees that these claims are allowable and patentably distinguish over the prior art, Applicant respectfully does not acquiesce that patentability resides only in the features expressed in paragraph 10 of the Office Action, nor that each and every feature recited in the claims is required for patentability.

In addition, claims 1-6, 8-11, 15 and 16 are also believed to be allowable for at least the following reasons.

**Claim Rejection Under 35 U.S.C. §112, First Paragraph**

Claim 7 stands rejected under 35 U.S.C. §112, first paragraph. Applicant has canceled claim 7 without prejudice or disclaimer, thereby rendering the rejection of claim 7 moot.

**Claim Rejections Under 35 U.S.C. §103(a)**

Claims 1, 8, 9 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* Claims 2-4 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* and *Nakatani et al.* Claims 5, 6 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* and *Yanagisawa et al.*

Also, claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin*

in view of *Shibata et al.* and *Vollkommer et al.* Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Curtin* in view of *Shibata et al.* and *Nakamoto et al.*

With regard to claim 7, Applicant has canceled claim 7 without prejudice or disclaimer, thereby rendering the rejection of claim 7 moot.

With regard to the remaining claims, Applicant respectfully submits that the applied references, whether taken singly or in combination, fail to teach or suggest the claimed combination as set forth in independent claim 1, as newly-amended, including at least “a first electrode formed on an entire surface of the first substrate, the first electrode including a plurality of protrusions.”

The Office Action appears to assert that *Curtin* discloses a first electrode (26) formed on a first substrate (14). However, as shown in FIGs. 1-4 of *Curtin* and described in column 4, lines 3-21 of *Curtin*, the lead (28) is one of a series of horizontal or row leads, and the lead (30) is one of a series of vertical or column leads, supported above the horizontal leads (28) by means of a dielectric layer (32). Moreover, one or more openings (36) are formed at crossing point of the horizontal leads (28) and the vertical leads (30), and one field emission cathode (26) is formed on that exposed segment within the boundaries of each openings (36). Accordingly, Applicant respectfully submits that *Curtin*’s electrode (26) is not formed on an entire surface of the first substrate (14), and that *Curtin* fails to teach or suggest the claimed combination as set forth in independent claim 1, as newly-amended, including at least “a first electrode formed on an entire surface of the first substrate, the first electrode including a plurality of protrusions.”

Further, it is respectfully submitted that *Shibata et al.*, *Nakatani et al.* (U.S. Patent No. 6,008,576), *Yanagisawa et al.*, and *Nakamoto et al.* (U.S. Patent No. 6,281,621) are not relied upon to teach a first electrode, and do not remedy this deficiency of *Curtin*.

M.P.E.P. §2143.03 instructs that “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” Since, in view of the above, *Curtin*, *Nakatani et al.* (U.S. Patent No. 6,008,576), *Yanagisawa et al.*, and *Nakamoto et al.* (U.S. Patent No. 6,281,621), whether taken singly or in combination, fail to teach or suggest each and every element set forth in independent claim 1, as amended, it is respectfully submitted that these applied references, whether taken singly or in combination, do not render claim 1 unpatentable. Since claims 2-6, 8-11, 15 and 16 depend from claim 1, it is respectfully submitted that these applied references also do not render claims 2-6, 8-11, 15 and 16 unpatentable. Accordingly, withdrawal of the rejections of claims 1-6, 8-11, 15 and 16 under 35 U.S.C. §103(a) is respectfully requested.

### **Conclusion**

In view of the foregoing, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

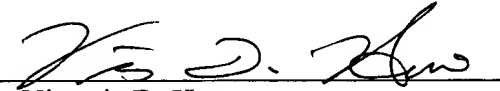
Attached hereto is a marked-up version of the changes made by the current amendment. The attachment is captioned “Version with markings to show changes made.”

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

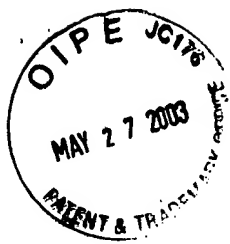
Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claim 7 has been canceled without prejudice or disclaimer.

Claims 1 and 2 have been amended as follows.

1. (Amended) A flat type fluorescent lamp comprising:

a first substrate and a second substrate;

a first electrode formed on an entire surface of the first substrate, the first electrode including a plurality of protrusions;

a phosphor layer formed on the second substrate;

a second electrode formed on the phosphor layer; and

supports selectively formed between the first substrate and the second substrate.

2. (Amended) The flat type fluorescent lamp of claim 1, wherein the first electrode includes:

a first metal layer formed on the entire surface of the first substrate; and

the plurality of protrusions selectively formed on the first metal layer the protrusions being made of metal.

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